

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL 99-308 (DRD)

MELVIN TORRES-ROLDAN,

Defendant.

**MOTION FOR RECONSIDERATION OF ORDER DENYING DEFENDANT'S
REQUEST FOR EARLY TERMINATION OF SUPERVISED RELEASE**

TO THE HONORABLE DANIEL R. DOMINGUEZ
UNITED STATES DISTRICT JUDGE
FOR THE DISTRICT OF PUERTO RICO

COMES NOW, defendant, Melvin Torres-Roldan, represented by the Federal Public Defender for the District of Puerto Rico through the undersigned attorney, and very respectfully states, alleges, and prays as follows:

1. On January 31, 2007, Mr. Melvin Torres-Roldan filed, through appointed counsel a motion requesting early termination of supervised release. (Docket No. 354.) In it, Mr. Torres-Roldan explained, among other things, that at the time of the motion, he had completed satisfactorily over two years of the four-year term of supervise release at the time and that he had shown exemplary compliance with and observance of his supervised release conditions. This Honorable Court was provided with ample documentary evidence supporting the contention.

2. The Court ordered both the United States and the probation office to state its respective positions regarding defendant's requests.

3. On February 13, 2007, the United States filed a motion indicating that it had no objection to the defendant's request. (Docket No. 357.)

4. However, on February 20, 2007, United States Probation Officer Benjamin Bonilla filed a document recommending the denial of Mr. Torres-Roldan's early termination request. The probation officer cited two reasons for the recommendation: (1) that the defendant had been given at sentencing the benefit of a lower-end-of-the-guideline sentence; and (2) that the policy of the probation office was to reclassify the case to administrative caseload which requires minimal supervision in lieu of early termination.

5. Mr. Torres-Roldan filed a reply in opposition to such recommendation. (Docket No. 359.)

6. Yesterday, November 7, 2007, this Honorable Court issued an order denying Mr. Torres-Roldan's motion for early termination. (Docket No. 363.)

7. Mr. Torres-Roldan hereby moves this Honorable Court to reconsider the denial of his motion for early termination.

8. The motion for early termination was filed in January of 2007. At that time, Mr. Torres-Roldan had only completed two years and one month out of his four year term. Close to eleven months have elapsed since he originally moved for early termination. On December 24 of this year, Mr. Torres-Roldan will have served three quarters of his supervised release term. Therefore, he only has one more year to go, something that the Court should take into account in deciding whether to reconsider.

9. Moreover, back in February when the probation officer opposed early termination arguing that the policy of the Probation Office was to place releasees in administrative caseload before recommending early termination. Upon consultation with USPO Bonilla, the undersigned was informed that Mr. Torres-Roldan was recently placed in the administrative case load. While Mr. Bonilla indicated that at this time he could not recommend early termination insofar as the releasee needed to be on administrative caseload for few months before early termination was recommended, this is yet another matter for the Court to consider in revisiting its ruling.

10. Mr. Torres-Roldan's position is that it is unfair indeed to deny him the benefit of early termination. There is no incentive for a defendant to procure a successful adjustment in the transition from prison to free community if the benefit of early termination is denied to a defendant who truly deserves it.

11. Mr. Torres-Roldan thus prays that the Court reconsider its decision and that early termination be granted specifically when the United States has no objection to such remedy.

WHEREFORE, it is respectfully requested that this Honorable Court take notice of the present motion and that the same be granted thus ordering Mr. Torres-Roldan's supervised release term terminated.

I HEREBY CERTIFY that on this date I electronically filed the present memorandum with the Clerk of Court using the CM/ECF system which will sent electronic notification of said filing to all parties of record.

RESPECTFULLY SUBMITTED

In San Juan, Puerto Rico this 9th day of November, 2007.

**JOSEPH C. LAWS, JR.
FEDERAL PUBLIC DEFENDER
DISTRICT OF PUERTO RICO**

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